

Sooner Tea Party

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To: Cox-Kain, Julie
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Jackbooted Thugs or Game Wardens?

Imagine you are on your farm, ranch, or rural home and out of the blue a Game Warden shows up demanding to look inside your barn, questioning the children, even invading your home to look in your freezer despite being told to leave by first the caretaker, then the homeowners. And the pretext for this invasion of your home and private property? That he heard a gunshot in the area or saw someone carrying a gun or bow.

This is the issue that HB 2859 is trying to stop, the unwarranted invasion of private property without probable cause or search warrant. Were this a sheriff or other law enforcement officer they wouldn't have the right to barge in on mere suspicion or conjecture. However it gets worse, much worse as other law enforcement agencies have learned to use the absolutely unconstitutional power of the game warden to bypass legal rulings that protect citizens' constitutional rights.

Game wardens are peace officers in Oklahoma and can enforce all of the laws of the state, not just game laws. But they have increased powers that allow them to protect fish and game as if those creatures belong to the state but are generally found on private land. The funding for their agency comes from license sales and they are supposed to spend most of their time protecting fish and wildlife, not leading a pack of other officers in to search for drugs. Yet game wardens are constrained by the same laws, rights, and rulings as other police officers if they go outside protecting wildlife.

Probable cause means that a reasonable person would believe that there is reason to suspect criminal activity. Shining a light from a vehicle might well be probable cause to stop a vehicle but slowly driving down a country road is not. If the person is pointing a gun out of that slowly moving vehicle then there is probable cause. The point being that a single behavior generally has to be pretty conclusive to form probable cause.

But Oklahoma game wardens are crossing the line along with other state game wardens and the courts are catching up with the potential problems of allowing game wardens increased leeway.

The Pickle ruling is an Arkansas case that is under appeal by the state of Arkansas. A group of hunters were observed by Arkansas game wardens for two hours and approached at their camp to check licenses and check the guns for the required magazine plugs. One of the hunters, Jimmy Pickle, didn't have his hunting license on his person so the game warden ran the name through the fish and wildlife system which revealed that there was indeed a valid hunting license, then also ran his name through a criminal background check and found out that Pickle was a convicted felon. Since he had a gun and felons can't possess guns the game wardens arrested Pickle and searched his body, finding a small amount of meth and a glass pipe. Possession of drugs, possession of drug paraphernalia, and a felon in possession of a firearm were the charges filed against Pickle.

Pickle argued that his Fourth Amendment rights were violated and an appeals court agreed with him. The state immediately appealed the ruling but the state game warden

was ordered to stop doing simple license checks on private property. Of course the Arkansas fish and wildlife department is over reacting, nothing in that ruling said that hunters and fishermen couldn't be checked for licensing or tags. The ruling meant that game wardens couldn't arbitrarily stop sportsmen to check licenses, that they needed some sort of reasonable suspicion or probable cause. Aside from the lack of clear cut and non discretionary cause to check Pickle's license the game warden continued to dig into Pickle's record after he realized that Pickle did indeed have a valid hunting license and ran the criminal background check.

Oklahoma game wardens are arguing that requiring probable cause or reasonable suspicion means it is impossible to do their job. I would say that other law enforcement will say the same thing about Fourth Amendment rulings but compliance is a simple matter of the game wardens having a neutral method of deciding whom to do license checks on instead of allowing wardens to stop everyone they run across. It could be as simple as stopping every fourth hunter or perhaps hunters carrying wild game or fish, but it has to be a written policy and strictly adhered to so that it is neutral.

Some might say HB 2859 will harm wildlife or cut revenue to the game and fish department but this is no different than cop pulling a motorist over for improper lane change in order to take a closer look and question the driver for drug trafficking. The cop is limited to what he can see with his own eyes to develop probable cause for another offense, otherwise the driver is free not to cooperate or answer questions on anything unrelated to the reason that he was pulled over.

Tulsa Republican Mens Club Luncheon Event was a Success

Last Wednesday Tulsa Republican Mens Club event was a rousing success. Around 40 attendees including Tulsa City Council members, one candidate for the local sheriff race, members of the media, and a local district judge showed up to hear Sooner Tea Party's own Al Gerhart and Tulsa trial attorney Kevin Adams speak about the infamous attack on the First Amendment using blackmail charges.

The event brought a lot of complaints from Tulsa RINOs and fringe groups, with the leader of the Club receiving the most comments both for and against the selection of the speakers than from any other event ever hosted. Body language of the crowd showed that some had their mind made up before the event started but the audience appeared to be mesmerized by the sordid tale of a corrupt prosecutor running wild and a lot of minds were changed by the event.

Afterward the questions from the crowd were supportive and included requests to be placed on the Sooner Tea Party newsletter.

A long time Tulsa activist, Randy Harris, received an appreciation plaque for his long running work outside a local abortion clinic where his group works on getting women additional information on alternatives to abortion. What an honor to share the stage with such a man that is willing to go out every week and make a difference.

The Tulsa Republican Mens Club meets on the second Wednesday of each month and all are welcome. They usually have a nice lunch available for \$10.00 or sometimes they have specials where you can join the group for \$20.00 annual dues and get a free meal. They are a mix of conservative and moderate Republicans and draw some interesting speakers and attendees throughout the year.

Soft on Crime 2.0

This fall voters will be asked to approve two state questions; SQ 780 and SQ 781. SQ 780 would reduce a number of property and drug crimes from felonies to misdemeanors and SQ 781 is the funding mechanism should SQ 780 pass.

Under a liberal federal administration there has been over the last several years, an increased push for state and local governments to adopt a philosophical view that says the justice system is too harsh on lower level and/or non violent criminal offenders. Therefore we should strive to focus less on incarceration and punishment for these criminals and more on treatment and diversion programs for them. The end result they propose is a system that lowers prison populations and rehabilitates lower level offenders into productive citizens.

Sounds good, but does it work? The results at this point appear to be mixed. Prison populations are down but lower level property crimes and larcenies are way up. Is the increase the result of lowered penalties? Common sense would say yes.

Drug courts have been very successful nationwide and have been impacted. Drug court offers an individual a unique opportunity, rather than accept a prison sentence that carries several years of incarceration many offenders are offered the opportunity to spend one year in a drug court program with strict mandatory drug testing, behavioral constraints, and mandatory court appearances. Any failure sends the offender off to prison to serve their sentence. Those that successfully complete the program have one year of drug abstinence behind them, they have begun to repair their family relations, and have found employment. A majority choose not to return to crime and drugs. This is significant as one hard fast rule in drug treatment and counseling is that if the person hasn't hit rock bottom they usually are not ready to allow the treatment and counseling to take hold.

Proposition 47 passed in California in 2014 and the Drug Court system participation plummeted by 50% in L.A. County. Without the threat of a significant prison sentence hanging over the criminal's head there is little incentive to go through the tough Drug Court program and many just pay the fines and sit in jail for a few weeks before returning to their life of drugs and petty crime to support the drug habit. Drugs are not cheap and the majority of drug users do not have a steady jobs so they tend to burglar homes, pass bad checks, defraud pawnshop owners with stolen goods, steal items for scrap metal, bilk homeowners after passing as legitimate contractors, or stealing from family members.

Oklahoma County is among many counties in Oklahoma that have successful diversion programs other than Drug Courts: Making Better Choices, Mental Health Court, Rmerge for Women, Veterans Diversion, but all will suffer the same fate if SQ 780 passes.

Oklahoma does incarcerate a lot of people but that doesn't tell the entire story. Actual prison time for a first offender is very rare. Low level offenders receive suspended or deferred sentences the majority of the time and actual prison sentences are handed down only after it becomes clear that the offender continues to break the law. Even then The Department of Corrections calculates prison time served after giving a lot of credit for good behavior. If an inmate behaves, stays out of trouble, and follows the program they will get two day's time served credit for every day served. A three month sentence means they are out in 30 days, and usually the time they spent sitting in County jail before their trial is deducted before they start computing the two to one time served credit! Then there are extra credits for completing programs or courses, meritorious credits for preserving property and preserving safety or security, basically a reward for jail snitches and that credit is pegged at 100 days off the sentence per occurrence. When you hear about the 85% rule that is referring to violent crimes like murder, assault and battery with a deadly weapon, child molestation, or drug trafficking.

The deterrence factor of prison in Oklahoma is already on life support and when you add the effects of SQ 780 to the taxpayer funded pre trial release programs where criminals aren't even required to pay a bondsman or hire their own attorney you have a system where low level crimes will skyrocket.

Worse is that misdemeanor offenses are not accepted in Drug Courts so the offenders don't have access to the Department of Mental Health's substance abuse programs.

What crimes will be lowered from felonies to misdemeanors if SQ 780 passes?

1. Possession of a controlled and dangerous substance (drugs)
2. Grand larceny under \$1,000.00
3. Receiving or concealing stolen property under \$1,000.00
4. Taking domesticated fish or game less than \$1,000.00
5. Oil field theft under \$1,000.00
6. Shoplifting of items under \$1,000.00
7. Embezzlement under \$1,000.00
8. Defrauding an innkeeper under \$1,000.00
9. Obtaining money or property by false pretenses under \$1,000.00
10. Uttering two or more bogus checks under \$1,000.00
11. False declaration to a pawn broker under \$1,000.00
12. Forgery under \$1,000.00

How has this worked for California after they reduced the same felonies to misdemeanors?

1. 13,000 inmates immediately released from prison as their crimes had been reduced to misdemeanors
2. Prison population is down 3.8%
3. Jail population is down 11.7%
4. Tens of thousands of previously convicted felons have had their felonies removed from their records
5. Property crime is up 8%
6. Auto theft is up 20%
7. Violent crime is up 27% <http://watchdog.org/213144/california-crime-rate/>
8. Drug arrests are down by 30%
9. Drug Court attendance dropped by 50%
10. Out of 2,200 drug offenders in one eight month period, only 73 entered some sort of drug rehab

[In a story about the side effects of lowering felonies to misdemeanors](#) one career criminal that has been arrested 16 times under Proposition 47 had this to say according to the L.A. Times:

"Sina said he rejoiced when he first heard about Proposition 47. He said he didn't start stealing bicycles until the proposition raised the threshold for a felony theft to \$950.

"Proposition 47, it's cool," Sina said. "Like for me, I can go do a [commercial] burglary and know that if it's not over \$900, they'll just give me a ticket and let me go."

He was sentenced to rehab five times this year but did not show up for a single session."

The people driving this state question are the same actors that wanted the JRI program; Oklahoma County D.A. David Prater, former Speaker Kris Steel, the State Chamber of Commerce, and Oklahoma City and Tulsa Chamber of Commerce. It all comes back to siphoning money from the prison system and from the judicial system into lucrative publically paid but private counseling and treatment centers. Indeed, SQ 780 requires that the "savings" be calculated after a while and that amount of "savings" be ripped from the prison, jail, and court system and funneled into these moneymaking private programs.

We also don't want to forget that Oklahoma County D.A. David Prater was working with former Speaker Kris Steel to pass the JRI to provide a post term limit job for Kris Steel, and isn't that what Prater alleged Senator Leftwich and Rep. Terrill were doing after he filed felony charges against them? This is no different; Kris Steel's TEAM organization will receive millions of dollars from SQ 781 if the two state questions pass. Then the unending cycle of "need" will require more tax increases or diversions back into the prison system and justice system once taxpayer money is stripped away into these privately owned programs.

And one of the worst aspects of SQ 780 is that it removes the increased penalty for possession of drugs near a school or in the presence of a child under 12 years old. Let's all say hello to our old friend the neighborhood school drug pusher.

So Sheriff John Whetsel's Mismanagement is Proof that Criminal Justice Reform is Needed?

Sticky finger John is at it again, trying to saddle jail inmates with millions of dollars in training costs, membership costs for deputies, and other sheriff department overhead. He made a request last week to District Judge Ray Elliot wanting to charge inmates \$48.05 per day for their stay at the jail prior to conviction. Currently inmates are charged \$44.51 a day.

Whetsel stated that 82% of the inmates are in jail awaiting trial, a tiny percentage of which don't qualify for bail. Average bail is around \$5,000.00 for over three quarters of the jail population meaning a \$500.00 bond premium is cheaper than staying 11 days in jail and those inmates that comprise that three quarters of the jail population either refuse to spend the money, their families refuse to spend the money, or the inmate has a history of jumping bail and no bondsman will write the bond.

Another reason why so many refuse to pay bond to get out of jail is that by doing so they are disqualified from using the public defender office so they prefer to sit in jail and allow the public to pay to feed them and to defend them from criminal charges. But Whetsel brings in only \$27.00 per day from the D.O.C for inmates awaiting transfer to prison after their conviction. And Whetsel charges only \$32.00 per day to house 200 D.O.C. inmates to relieve prison overcrowding.

Of course this is just a dog and pony show, Kabuki theater designed to bring attention to the "need" for criminal justice reform. The bottom line is that inmates make a decision to save money by sitting in jail and by doing so they have no skin in the game if they get arrested. No fees to pay, no bail bond, no payment to a defense lawyer, instead the tax payer will pick up the tab for the law breaker.

But digging a little deeper showed that the group that the Chamber of Commerce “hired” to do a study on jail overcrowding found it was due to three things:

1. The number of low level misdemeanor defendants in jail
2. Case processing delays
3. The outsize role that money plays in the pre trial release process and bail bonds

Strangely enough the proposed SQ 780 creates even more misdemeanors and the study found that 70% of the defendants awaiting trial were there on misdemeanors. So reducing felonies to misdemeanors doesn’t solve jail overcrowding. The second point, case processing delays, refers to D.A. David Prater not filing charges quickly, meaning the defendant can’t make bail anyway. It also refers to the glacial approach that Sheriff Whetsel takes to release inmates once they have a bond filed, up to three days instead of releasing the inmate once the bondsman writes the bond.

Common sense tells you that both Prater and Whetsel don’t want the jail population decreased or they would just do their jobs and cycle 70% of the inmates through the process and out on bail. They prefer instead to overcrowd the jail and hope for a riot that will force the county to build a new jail. No one is delusional enough to think that another penny sales tax is going to happen, not with the economy in recession and the teachers gunning for a 12% increase in sales tax. Nor is anyone delusional enough to forget about Mary Fallin’s big sales tax increase to balance the 1.3 billion dollar hole in the budget.

Comrade Yen’s Fight against Parental Rights Continues

Good Lord, one would have thought the arrogant and totalitarian Senator Yen would have learned his lesson and allowed his forced vaccination legislation to fade away but the idiot filed the legislation and is trying to force it through the process.

His actions triggered a new PAC, Oklahomans for Vaccine and Health Choice, whose purpose is to maintain the decades old exemptions that allow parents to opt out for medical, religious, or personal reasons. HB 3016 was also filed by Rep. Grau that would require informed consent of parents prior to vaccination, including information on the risks of vaccination. House Public Health Committee Chairman Mike Ritze says that the Grau bill will be heard next week while the Yen bill will not be heard in his committee. The Grau legislation was first assigned to the Rules Committee, the traditional place to send a bill to kill it, then it was assigned to Children, Youth, and Family Services, where it sat for a week until the bill was sent to the proper committee. That meant some serious pain was dealt to those other committee chairmen and they dropped it like a hot potato. The bill is merely a shell bill at this time but will be completed prior to the committee vote.

Comrade Yen's claim is that the rights of parents that have immune compromised children are at risk, overriding the parental rights of hundreds of thousands of Oklahoma parents to somehow protect the handful of children that have non functioning immune systems. But that discounts viral shedding, a process where recently immunized kids can and do pass on the disease during the time between vaccination and their body's immune response to the vaccine. The chances of a kid having a disease are pretty remote but hundreds of thousands of kids shedding viruses due to recent vaccination is a sure thing.

Still Yen's reasoning is that all must suffer to protect the few. From each according to his means, to each according to his needs, the basic communistic manifesto that Yen clearly follows. And not content with that, Comrade Yen literally threatened the other legislator's children saying

"I sure hope it doesn't take a prominent legislator's child or grandchild dying from an easily preventable disease to get this passed," Yen said. "That would be a shame."

What an ass....

RALLY for Conservative Jason Jackson in his run for Tulsa County Sheriff

Come and support Conservative Republican Candidate Jason Jackson in his run for Tulsa County Sheriff.

Special guest speaker Larry Pratt, Executive Director of Gun Owners of America and a special message from Sheriff Richard Mack, President of the Constitutional Sheriff and Peace Officers Association.'

Tuesday February 16, 2016 at 2907 West 111th Jenks, Oklahoma 74037

We will be serving a Spaghetti dinner at 6pm for supporters.....donations accepted.... the rally will start at 7pm..

Come join us!!!

Oklahoma Tax Credits Ought not Pick Winners and Losers

By the Watchman

We've all known for several months now that Oklahoma was facing at the minimum a nine hundred million dollar shortfall in the state budget. Within the last two weeks that number has been changed to a staggering one point three billion dollar shortfall. A task force has been formed to look at the possibility of the reduction of some of the tax credits that are currently handed out by the state, but they are looking at only one hundred and eighty nine million dollars in tax exemptions.

We at this point must ask Why Speaker Hickman hasn't taken the initiative and acted more aggressively in reigning in these tax credits. At last count there were only 485 companies receiving these tax credits. That makes the system blatantly unfair and allows the politicians to choose who is successful and who isn't in Oklahoma.

The appropriated budget for the state is only \$6.9 billion dollars. The only amount they are considering in reduction of tax credits is only \$189 million dollars. Surely they can do better than that. Instead the Governor wants a tax increase to help cover some of the shortfall and there is a petition out there for a tax increase for education. Either one of them will make Oklahoma the highest taxed state in the union. What chance will our children have in getting an in state job then? Zero. No large company will come to Oklahoma and some may even depart the state because of these taxes. These legislators need to stop treating the Citizens of Oklahoma like idiots, because we know what they are doing.

The next article of interest we found was this [Oklahoma House Speaker Jeff Hickman: State agencies would be 'devastated' if education not cut - Tulsa World: Capitol Report.](#)

The next article of interest we found was this [House Speaker Jeff Hickman says he sees no way to avoid further cuts to public education next year given a \\$900 million hole i.](#) Since this article was written, we know that the hole has grown to \$1.3 billion dollars. With the current lack of proper leadership in the House, Senate and even the Governor's mansion, it will be the Citizens of Oklahoma that will suffer from the greed of the special interests. They are more concerned about getting their campaign donations from the corporations receiving the tax breaks so they can stay in office than they are about the welfare of the state and the citizens.

We urge every Oklahoman to contact the Speaker and Senate Pro Tem and urge them to start making deep cuts in the billions dollars of tax credits they give away every year. We also ask that you vote no, if given the chance, on any tax increases that may come our way. And contact the Office of the Governor and ask that she not sign any tax increase bill.

Governor's office 405-521-2342 405-521-2342 [Click here for her Face book account](#)

Email addresses to get through the email defenses that Fallin has set up:

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